

THE HON'BLE MR. JUSTICE V.V.S. RAO

THURSDAY, THE 29TH DAY OF DECEMBER, 2005

W.P.No. 26470 of 2005

Between:-

Chinnam Anjamma

--Petitioner

And

The Mandal Revenue Officer, Darsi, Prakasam district and another.

--Respondents

THE HON'BLE MR. JUSTICE V.V.S. RAO

W.P.No. 26470 of 2005

:O R D E R:

The petitioner is a resident of Darsi village in Prakasam district. He was assigned house site admeasuring Ac.0-05 cents in survey No.783/2 marked as Plot No.7 of Darsi village. When second respondent tried to interfere with her possession, the petitioner filed a suit being O.S.No. 25 of 2005 on the file of Junior Civil Judge, Darsi and obtained ad-interim injunction in I.A.No. 79 of 2005 dated 18-02-2005, which is still in force. It appears, initially the house site was assigned to second respondent by the Mandal Revenue Officer in 1987 and without noticing the same, on a request made by the petitioner, the same site was again given to the petitioner. Therefore, the second respondent filed an appeal before the Revenue Divisional Officer, Kandukur. In view of the same, the first respondent issued impugned proceedings dated 28-09-2005 purportedly under Section 145 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') directing the petitioner not to make any construction on the site.

Learned counsel for the petitioner submits that when there is an ad-interim injunction in favour of the petitioner and the appeal filed by the second respondent is admittedly pending before the Revenue Divisional Officer, the exercise of powers under Section 145 of Cr.P.C. is unwarranted and illegal.

Learned Assistant Government Pleader for Revenue (General), after obtaining instructions from the first respondent, submits that the petitioner and the second respondent herein appeared before the Revenue Divisional Officer and agreed to settle the matter between them and, therefore, necessary steps are being taken to withdraw the impugned proceedings.

In view of the submission by the learned Assistant Government Pleader, it is not necessary to adjudicate the matter any further. Recording the submission made by the learned Assistant Government Pleader, the writ petition is accordingly disposed of. No costs.

V.V.S. RAO, J

29-12-2005

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